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April 25, 2008

VIA ELECTRONIC MAIL
Mr. Trevor Stockinger
IRELL & MANELLA LLP
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067-4276

Re: ***GSK v. Abbott Labs.*, Case No. C 07-5702 CW**

Dear Trevor:

I write to address two of the more pressing issues Abbott has with GSK's amended and supplemental discovery responses. These are not, however, Abbott's only concerns, and Abbott reserves its right to raise additional concerns and move to compel on grounds not addressed in this letter.

1. **Discovery Requests Relating To All ARV Drugs.** Abbott has sought discovery of documents and information concerning GSK's anti-retroviral ("ARV") drugs. *See* Abbott's RFP Nos. 23, 25, 27-28, 31-33, 39-40, 42, 45-46, 50-53, 64 and 69; Abbott's Interrogatory No. 4. As we previously stated in writing and orally, this information is clearly relevant to defining the relevant product market in this case, which Abbott believes includes all ARV drugs.

GSK has taken the position that it will only produce documents relating to ARV drugs if those documents happen to discuss one or more of GSK's protease inhibitors. *See, e.g.*, Letter of 2/26/08 at 5. In its supplemental responses to Abbott's document requests, GSK continued to take the position that it would only produce documents response to these requests "to the extent these documents concern GSK's protease inhibitors when used to treat HIV/AIDS." GSK's supplemental response further limits its production in response to Abbott's Requests Nos. 32 and 33 to documents concerning only Lexiva and Agenerase.

We believe that the parties' have met and conferred in good faith in an effort to reach a resolution on this issue, but have not been able to do so. We can discuss this matter further during the next meet-and-confer. For example, if GSK is still willing to consider producing documents beyond just those discussing its own PIs, we are prepared to discuss the specific categories of documents that are necessary and relevant to determining the proper scope of the

relevant product market. If GSK continues to refuse to produce these types of documents, however, we intend to move to compel their production.

2. ***AIDS Healthcare Foundation v. GSK.*** As you know, Abbott has sought production of documents relating to other antitrust litigation in which GSK was or is involved – including, but not limited to, documents concerning GSK's positions on the relevant product market in those cases. *See* Abbott's RFP Nos. 69-78.

In its supplemental interrogatory responses, GSK states that it was involved in *AIDS Healthcare Foundation v. GlaxoSmithKline PLC, et al.*, Case Nos. CV-02-5223 and CV-03-02792, which was an antitrust case specifically dealing with ARV drugs. *See* GSK's Resp. to Abbott's Interrog. Nos. 7-8. GSK's supplemental responses to Abbott's document requests, however, do not make clear whether GSK will produce documents relating to *AHF v. GSK*.

Please confirm that GSK intends to produce all documents from the *AHF v. GSK* litigation that are responsive to Abbott's document requests. If you have legitimate concerns about the burden of producing all of these documents, we are willing to discuss with you a more limited initial production of all the pleadings, deposition transcripts, deposition exhibits, hearing transcripts, expert reports, motions, orders and correspondence. We would, of course, continue to reserve Abbott's rights ultimately to seek all non-privileged documents responsive to its requests. In addition, in making these specific requests in this letter, I stress again that Abbott does not waive its right to demand that GSK produce responsive documents from other litigation involving GSK – including, but not limited to, *Chemi Spa v. GlaxoSmithKline*, 04-4545, 2004 U.S. Dist. LEXIS 25335 (E.D. Pa. 2004). *See* Abbott's RFP Nos. 71, 73, 75.

We look forward to speaking with you as soon as possible concerning these and any other discovery issues you would like to discuss.

Sincerely,

Matthew A. Campbell

cc: Charles B. Klein
Samuel S. Park